

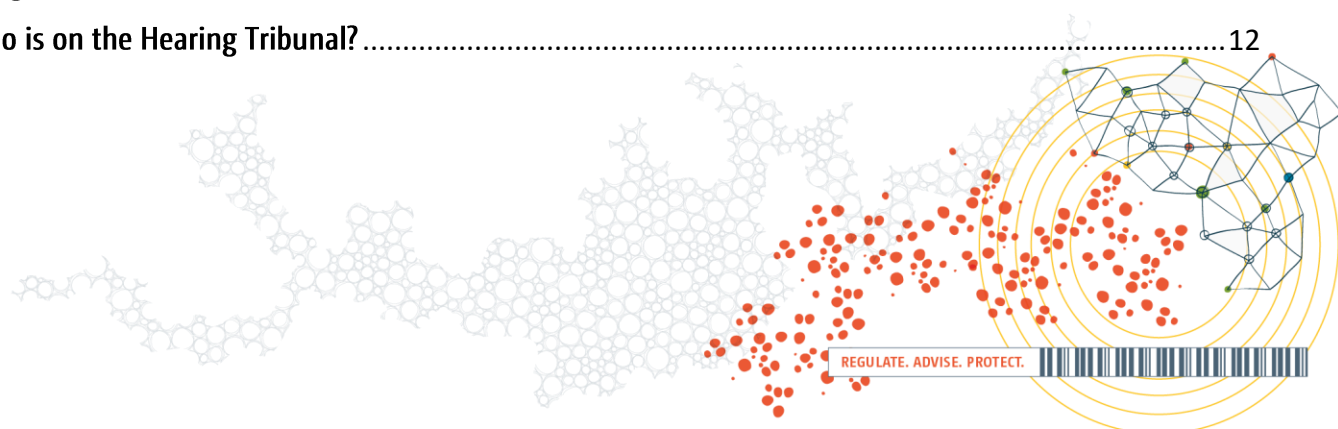
# GUIDE TO THE COMPLAINT PROCESS UNDER THE HEALTH PROFESSIONS ACT



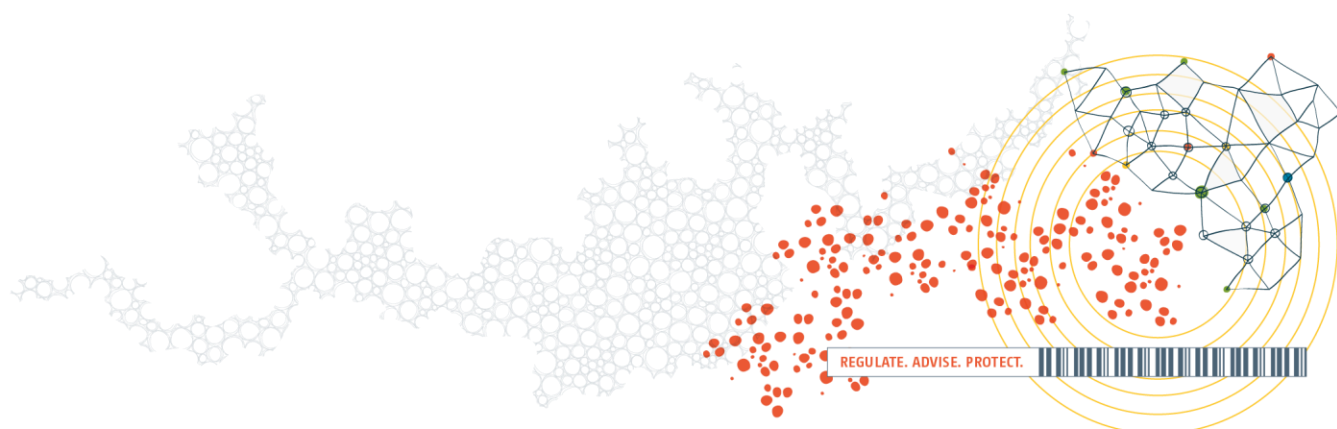
COLLEGE OF  
MEDICAL LABORATORY  
TECHNOLOGISTS  
OF ALBERTA

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## Introduction

If anyone has a concern or complaint of unprofessional conduct about a Medical Laboratory Technologist in Alberta, there is a process to follow to ensure the complaint is handled fairly and properly. This guide will help you understand how complaints are handled under Part 4 of the *Health Professions Act* (HPA).

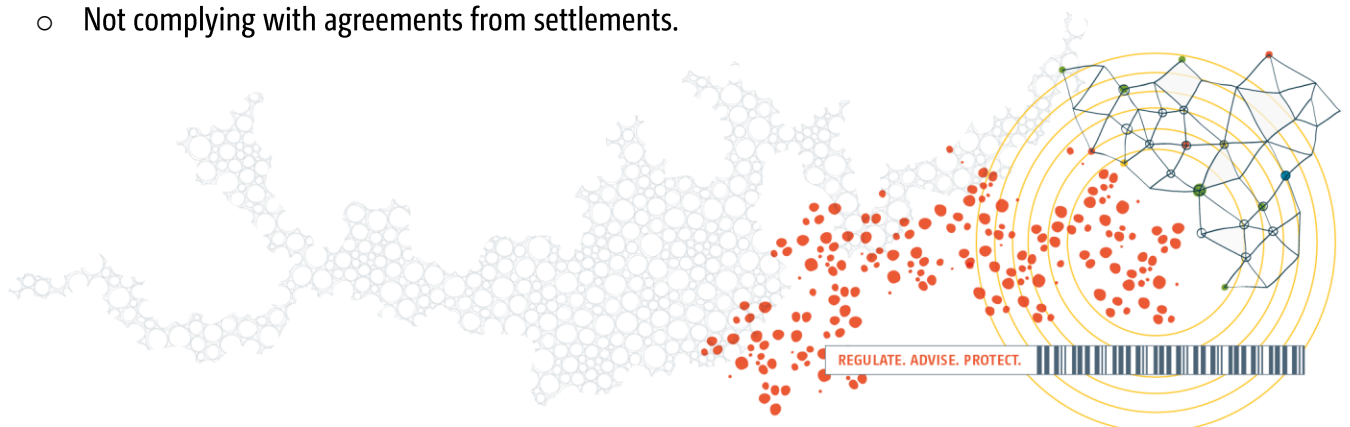
If you have any questions regarding complaints, please feel free to contact the CMLTA at [cmlta@cmlta.org](mailto:cmlta@cmlta.org).

## Complaints of Unprofessional Conduct

### What is Unprofessional Conduct?

The *Health Professions Act* clearly defines unprofessional conduct in section 1(pp), and it includes any of the following actions:

- **Lack of knowledge or skill:** Not having enough knowledge, skill, or good judgment when providing professional services.
- **Breaking rules:** Violating the *Health Professions Act*, Code of Ethics, or Standards of Practice.
- **Breaking other laws:** Violating other laws that apply to Medical Laboratory Technologists, such as the *Health Information Act*.
- **False representation:** Claiming to be a Medical Laboratory Technologist when they are not or when their registration or permit is suspended or cancelled.
- **Misrepresenting registration conditions:** Claiming their registration or permit has no conditions when it does or misrepresenting those conditions.
- **Non-compliance with the continuing competence program:**
  - Not complying with the continuing competence program.
  - Not cooperating with a competence committee or during a practice visit.
- **Non-compliance with agreements and investigations:**
  - Not complying with agreements from settlements.



- Not cooperating with investigators.
- Refusing required fitness to practice examinations.
- Ignoring notices to attend or produce documents.
- **Breaking orders:** Violating orders under the *Health Professions Act*, conditions on a practice permit, or directions from authorities.
- **Collaborating with violators:** Knowingly working with or hiring someone who is violating the HPA, orders, or conditions on a practice permit.
- **Causing harm to the integrity of the profession:** Engaging in conduct that harms the public's trust in the profession or the profession's reputation.

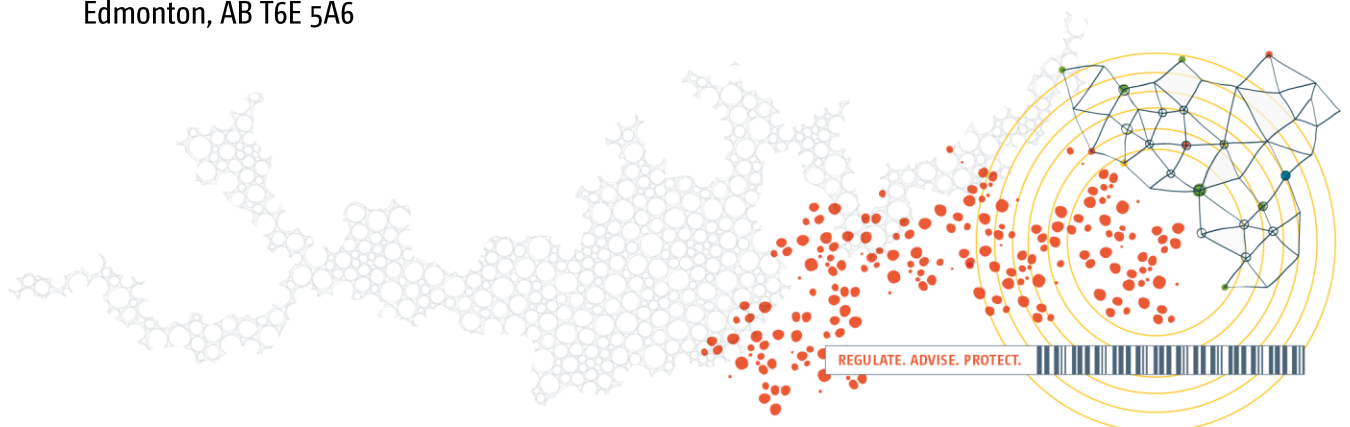
### Who Can Make a Complaint?

Anyone can file a complaint if they believe a medical laboratory technologist has done any of the actions considered as unprofessional conduct. This includes patients or their family members, colleagues, employers, or any other member of the public.

### How to Make a Complaint?

1. **Write your complaint:** Your complaint must be in writing and include:
  - Your name and contact information.
  - The name of the Medical Laboratory Technologist you are making the complaint about.
  - A detailed description of what happened.
  - Any evidence you have (e.g., documents, dates, names of witnesses)
2. **Sign your complaint:** Under the *Health Professions Act*, the person submitting a complaint cannot be anonymous, and the complaint must be signed.
3. **Submit your complaint:** You can submit your complaint through the [online form](#) on the CMLTA website, or you can mail your complaint to the CMLTA office at the following address:

CMLTA Complaints Director  
 301- 9426 51 Avenue NW  
 Edmonton, AB T6E 5A6



## What Happens After a Complaint is Submitted?

1. **Acknowledgement:** The CMLTA's Hearings Director will acknowledge that they have received your complaint.
2. **Complaint sent to the Medical Laboratory Technologist:** The CMLTA will send your complaint to the Medical Laboratory Technologist (MLT) who is the subject of the complaint. This person is commonly called the investigated person. The MLT will have the opportunity to respond to the complaint. A typical response would include their perspectives on the events that occurred and any evidence they have to support their account of the events.
3. **MLT response sent to the complainant:** Once the investigated person responds, their response is sent to the person who submitted the complaint; this person is called the complainant. The complainant then has a final opportunity to respond. In their response, the complainant can submit any further information or evidence regarding the investigated person's response to the complaint. They may also inform the Hearing Director that they have no further comments if they have no additional information or evidence to provide.
4. **Complaints Director decision:** The CMLTA's Complaints Director will review the complaint, responses, and all evidence submitted and decide what action to take next.

## Possible Actions by the Complaints Director

1. **Encourage resolution:** In some cases, the Complaints Director may believe that the complaint can be resolved between the complainant and the investigated person without any formal process. In these cases, the Complaints Director can encourage both parties to communicate and resolve the complaint themselves.
2. **Informal resolution:** Sometimes, complaints can be resolved informally if both the complainant and the investigated person agree to it. Informal resolutions often include agreed-upon actions that the investigated person must complete to resolve the complaint. This can include completing education requirements, research, reflections, paying fines, or a variety of other methods.
3. **Alternative complaint resolution (ACR):** In ACR, a neutral facilitator works with the investigated person and the complainant to come to an agreed-upon resolution called a settlement. Much like informal resolutions, the ACR settlement can include a variety of methods and undertakings the investigated person must complete to resolve the complaint. More information on ACRs can be found on page 7 of this guide.
4. **Get an expert opinion:** If it is not clear whether the investigated person's conduct meets the criteria for unprofessional conduct, the Complaints Director may ask a subject matter expert to review the complaint





and all evidence provided and provide a written report on the complaint's subject matter. Once the expert opinion is received, the Complaints Director must make a decision on how to resolve the complaint.

5. **Start an investigation:** If the conduct described in the complaint does meet the criteria for unprofessional conduct, but there is not enough evidence to support the claims, the Complaints Director can either conduct an investigation or appoint an investigator to investigate. The investigator can use a variety of methods to obtain information, including interviews with both parties and witnesses and the review of relevant documents. After an investigation, the complaint can either be referred to a hearing or be dismissed. More information on investigations can be found on page 9 of this guide
6. **Referral to a Hearing:** If there is enough evidence of unprofessional conduct, the case may be referred to a hearing tribunal. This is a formal process similar to a court hearing. More information on hearings can be found on page 11 of this guide.
7. **Dismissal:** If there is not enough evidence of wrongdoing, the conduct does not meet the criteria of unprofessional conduct, or the complaint is found to have been made in bad faith, it can be dismissed. The complainant is allowed to appeal this decision.

## Alternative Complaint Resolution

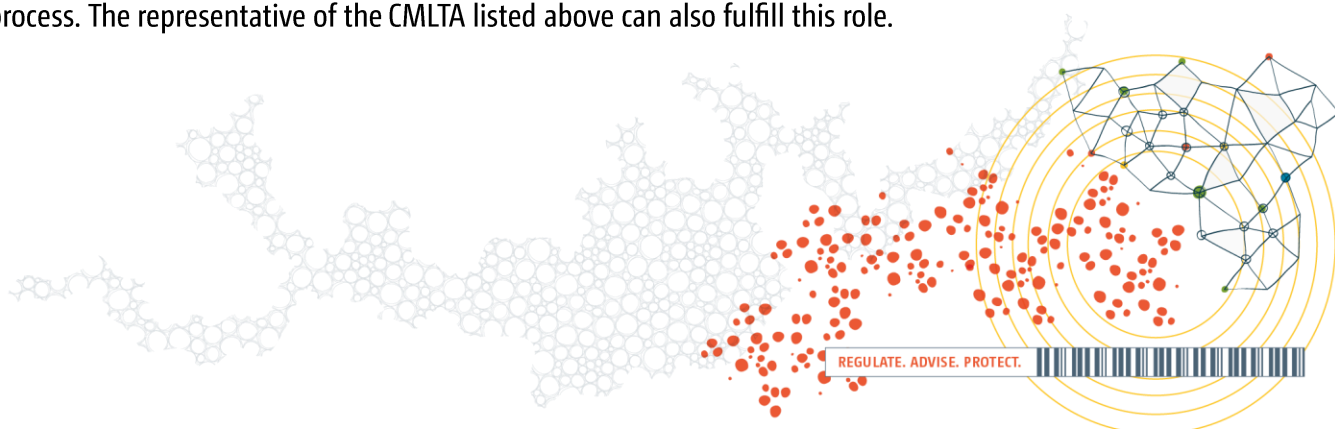
### What is an Alternative Complaint Resolution?

Alternative Complaint Resolution (ACR) is a process where a complaint is resolved through discussion and agreement with the help of a facilitator instead of a formal hearing. Both the complainant and the investigated person must agree to resolve the complaint through ACR.

### Who Participates in an ACR?

The following people must participate in an ACR:

- The complainant
- The investigated person
- A representative of the CMLTA who is a registered member of the CMLTA and has no connection to either party in the complaint.
- A neutral person, appointed by the CMLTA's Complaints Director, who acts as a leader or facilitator in the ACR process. The representative of the CMLTA listed above can also fulfill this role.



## How Does the Process Work?

1. **Set date:** A date is set for all participants to meet.
2. **Set goals:** The process and goals of the ACR are agreed upon by all parties and are written down and signed by the complainant, the investigated person, and the CMLTA representative.
3. **Discussion:** All parties participate in a discussion on how to resolve the complaint.
4. **Create proposed settlement:** All parties agree on how the complaint will be resolved. This agreement is written into a document called the proposed settlement.
5. **Send proposed settlement for review:** The proposed settlement is then sent to a Complaints Review Committee (CRC) made up of MLT members appointed by the CMLTA council and public members appointed by the Government of Alberta. At least 50% of the members of the CRC must be public members.
6. **Decision by CRC:** The Complaints Review Committee will review the settlement for reasonableness and make a decision.

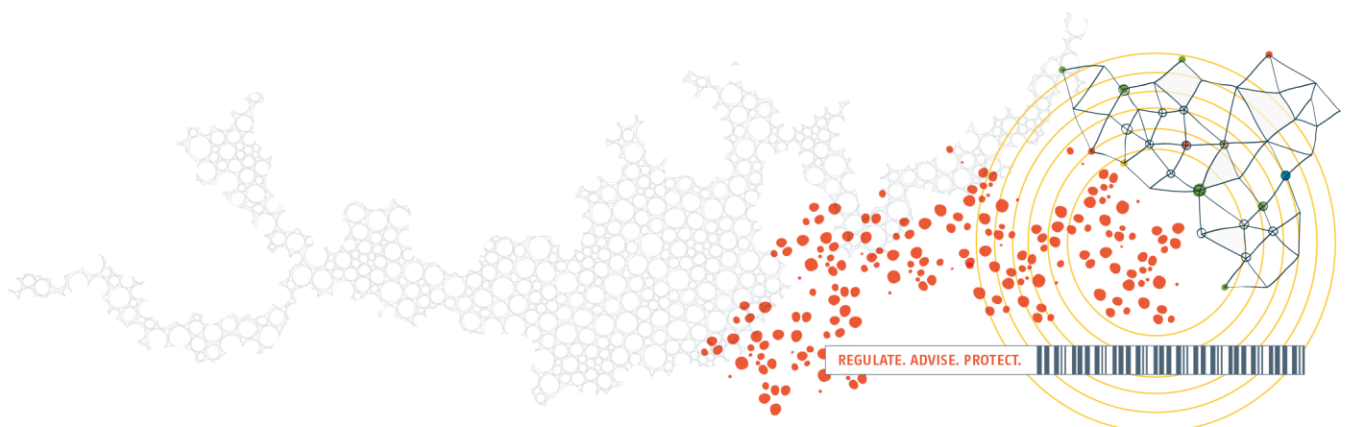
## What decisions can the CRC make?

The CRC can make the following decisions:

1. **Approve (ratify):** If the proposed settlement is reasonable, the CRC can approve the settlement. This is often called “ratifying” the settlement. No further action is taken if the settlement is ratified as long as the investigated person completes the actions agreed upon in the settlement by the agreed-upon date.
2. **Amend:** If the CRC does not think the settlement is reasonable without changes, they can make recommended changes, called amendments, to the proposed settlement. The investigated person and the complainant will need to agree to the amendments made by the CRC.
3. **Refuse:** If the CRC does not think the settlement is reasonable, it can refuse the settlement.

## Special Circumstances

- The facilitator can request an expert report if needed.
- If the facilitator thinks the complaint can't be settled through ACR, they will inform the Complaints Director, who will decide how to proceed, such as referring the matter to a hearing.





- If new information comes up during an ACR process that changes the nature of the complaint significantly, especially if it involves serious issues like female genital mutilation or sexual misconduct, the facilitator will notify the Complaints Director.

### Completion of ACR

Once the settlement has been approved, the investigated person must follow and complete all requirements by the date outlined in the settlement. If everything is complete by the specified date, the complaint is considered resolved.

If any requirements of the settlement are not followed, the Complaints Director can take further action against the investigated person. Not following orders of an ACR is considered unprofessional conduct and an additional complaint may be made against the investigated person.

## Investigations

If the Complaints Director feels that there is not enough evidence to make a decision on a complaint, they can conduct an investigation or appoint an investigator to conduct an investigation.

### What is the Purpose of an Investigation?

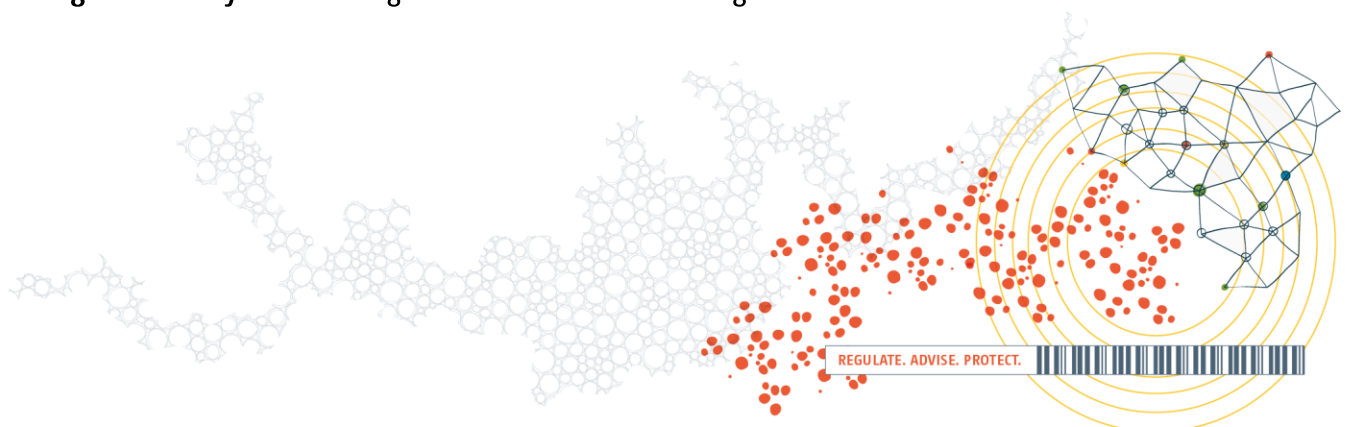
The purpose of the investigation is to collect information or evidence that will help the Complaints Director decide what action to take regarding the complaint.

### Process of an Investigation

1. **Investigator Appointment:** The investigator is appointed by the Complaints Director.
2. **Information Gathering:** The investigator collects information, interviews witnesses, and reviews relevant documents.
3. **Investigation Report:** The investigator prepares an investigation report that includes a summary of the information collected from the investigation. The investigator then submits this report to the Complaints Director.

### What to Expect as the Complainant in the Investigation

1. **Investigator Identity:** You will be given the name of the investigator.



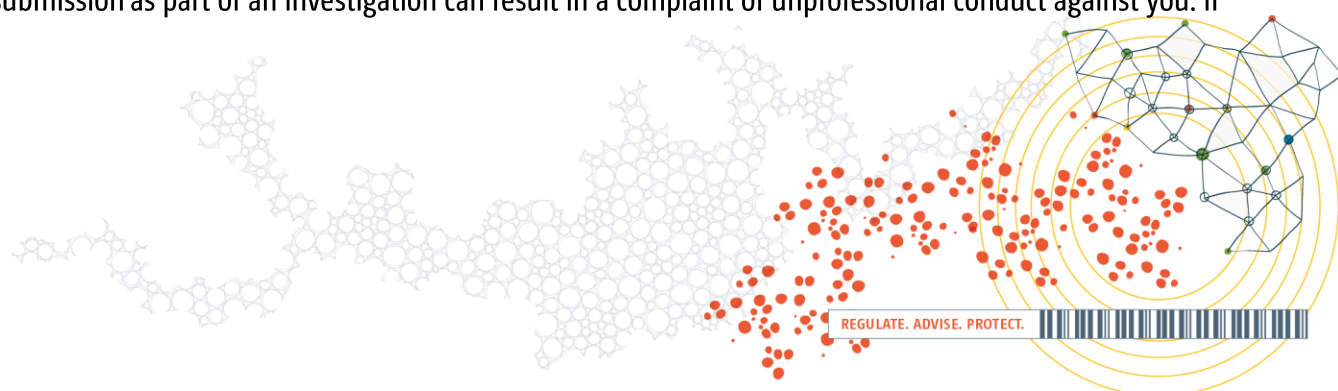
2. **Updates:** You will be given updates on the investigation every 60 days or within a different time period that you agreed to.
3. **Interview:** The investigator will make every reasonable effort to interview you as part of the investigation. You have the right to decline this interview, but you must understand that this could impact the investigation's outcome.
4. **Selection of Interviewees:** You will be asked to provide the investigator with the names of people who might have information related to the complaint for the investigator to interview.

### What to Expect as the Investigated Person in an Investigation

1. **Investigator identity:** In most cases, you will be given the investigator's name before the investigation, except in cases where your knowledge of the investigator's identity could significantly harm the investigation. If you are not given the investigator's name before the start of the investigation, you will still receive it either before the investigation or when it would no longer harm the investigation, whichever is earliest.
2. **Updates:** You will be given updates on the investigation every 60 days or within a different time period that you agreed to.
3. **Interview:** The investigator may need to interview you as part of the investigation, and you must comply with any request for information or documentation related to the investigation. Not complying with these requests is unprofessional conduct and could result in an additional complaint.

### What to Expect as a Witness or Person with a Document Related to an Investigation

1. **Interview:** If you have been named as a person who may have information related to a complaint of unprofessional conduct, an investigator may require you to be interviewed. If you are a regulated health professional, refusal to comply with an interview can result in a complaint of unprofessional conduct against you. If you are not a regulated health professional, the Court of King's Bench can require you to be interviewed.
2. **Document, substance, or thing submission:** If you have been named as a person who may have a document, substance, or thing that relates to a complaint of unprofessional conduct, you must submit it to the investigator if requested to do so. If you are a regulated health professional, refusal to comply with this submission as part of an investigation can result in a complaint of unprofessional conduct against you. If



you are not a regulated health professional, you can be required by the Court of King's Bench to submit any documents, substances, or things requested by the investigator.

### After the Investigation Report is Submitted

After the investigation report is submitted, the Complaints Director makes one of the following decisions on the complaint:

1. **Refer to hearing:** If there is evidence of unprofessional conduct found in the investigation, the complaint will go to a hearing.
2. **Dismiss the complaint:** If insufficient or no evidence of unprofessional conduct is found in the investigation, or the investigation finds that the complaint has been made in bad faith, the complaint can be dismissed. If the complaint is dismissed, the complainant can appeal this decision.

The Complaints Director must provide reasons for whichever decision they make after an investigation.

### Appeals After Complaint Dismissal

#### Request for an Appeal of a Complaint Dismissal

If the complaint is dismissed, the complainant may apply for a review of the decision, called an appeal. This request for a review must:

- Be in writing.
- Have reasons for requesting the review.
- Be sent to the Hearings Director within 30 days of being notified that the complaint was dismissed.

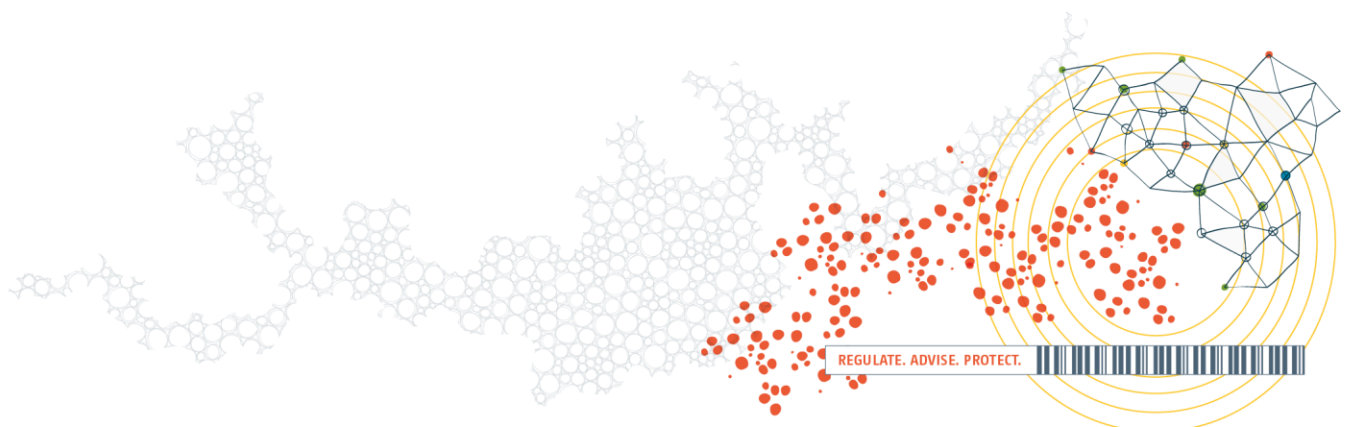
#### Who Hears the Appeal?

The Complaint Review Committee (CRC) hears the appeal and decides on it.

#### After an Appeal of a Complaint Dismissal is Received

Once an appeal is received, the following actions take place:

- **Provide notice of the appeal:** The Hearings Director must give notice of the appeal to the investigated person.



- **Appoint a Complaint Review Committee (CRC):** The Hearings Director appoints a CRC from a list of regulated members appointed by the CMLTA Council and also from a list of public members appointed by the Alberta Government. The CRC must have at least 2 regulated members and be comprised of 50% regulated members and 50% public members.
- **Date of Review:** The CRC must commence a review of the decision to dismiss the complaint within **60 days** after the notice of appeal is received.
- **Format of the appeal:** The CRC determines whether submissions by the complainant and the investigated person be written, oral, or both.

### Outcome of an Appeal of a Complaint Dismissal

The CRC must make a decision on the appeal. The decision has one of the following outcomes:

- Refer the matter to the Hearings Director for a hearing.
- Direct the Complaints Director to conduct or appoint an investigator to conduct an investigation and prepare a report on the investigation and submit it to the CRC for its consideration.
- Confirm that the complaint is dismissed.

The CRC must give the complainant and the investigated person written notification, with reasons, of their decision.

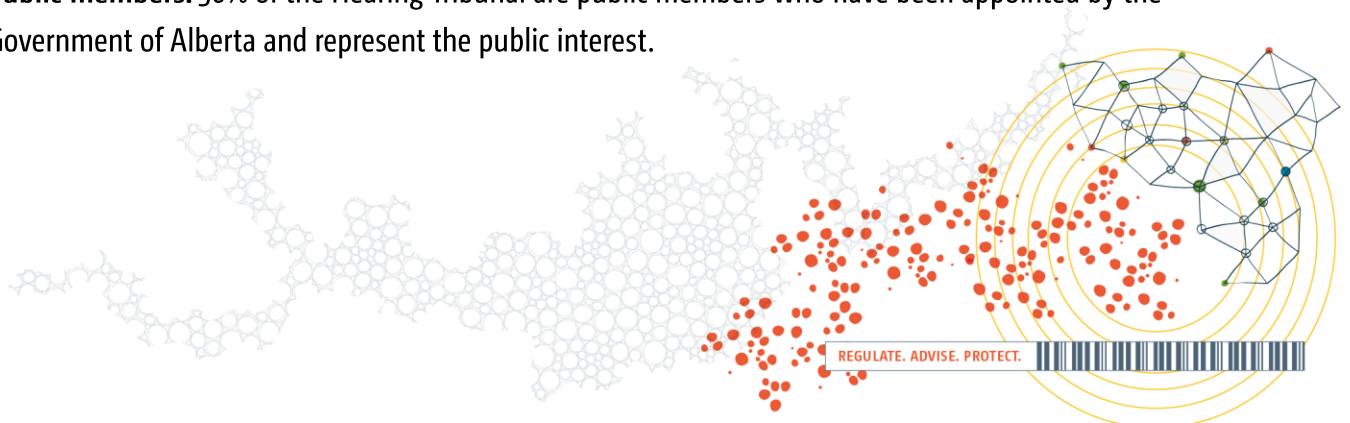
## Hearings

The purpose of a hearing is to determine whether or not unprofessional conduct occurred, and if it did, determine the appropriate orders to resolve the complaint and ensure public protection. The decision on whether or not unprofessional conduct occurred and what the penalties, which are called orders, should be is made by the Hearing Tribunal.

### Who is on the Hearing Tribunal?

The Hearing Tribunal is made up of:

- **MLT members:** 50% of the Hearing Tribunal members are MLTs who have been appointed by the CMLTA Council.
- **Public members:** 50% of the Hearing Tribunal are public members who have been appointed by the Government of Alberta and represent the public interest.



## Role of the Hearing Tribunal

The Hearing Tribunal must:

- **Be unbiased:** In order to have a fair hearing, the hearing tribunal must not be biased towards any parties involved in the complaint.
- **Hear evidence:** The Hearing Tribunal must hear evidence brought forward by the Complaints Director representing the CMLTA and from the investigated person. This evidence is the basis on which they make their decision.
- **Make a decision:** The Hearing Tribunal must make a written decision as to whether or not the conduct of the investigated person is unprofessional.
- **Provide reasons:** The decision made by the Hearing Tribunal must have reasons to support it.
- **Make orders:** If the Hearing Tribunal determines that the investigated person is guilty of unprofessional conduct, they must determine what orders (penalties) are sufficient to resolve the complaint and ensure public protection.

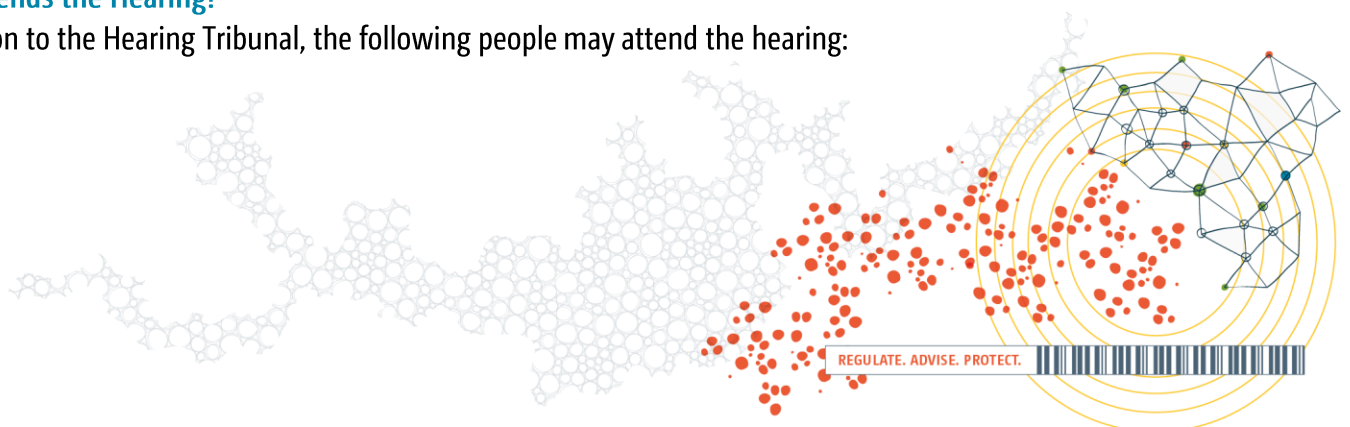
## Types of Hearings

There are typically two types of hearings:

1. **Consent Hearing:** This type of hearing occurs when an MLT admits to the complaint of unprofessional conduct. In most of these cases, the Complaints Director, complainant, and investigated person have put together an agreed statement of facts that is used as the true record of what happened. In many of these hearings, all parties have an agreed-upon resolution that they submit to the Hearing Tribunal for consideration. There are typically no witnesses or evidence shared at these types of hearings, and they aim to resolve the matter in a quick and amicable manner that protects the public.
2. **Contested Hearing:** This type of hearing occurs when an MLT does not admit to unprofessional conduct and does not agree with some or all of the allegations made in a complaint. In this type of hearing, each side presents their evidence and arguments to the Hearing Tribunal, including the interviewing of witnesses. The Hearing Tribunal must listen to both sides, examine the evidence, and make a decision on whether or not unprofessional conduct occurred and what the orders should be to resolve the complaint if they determine the conduct to be unprofessional.

## Who Attends the Hearing?

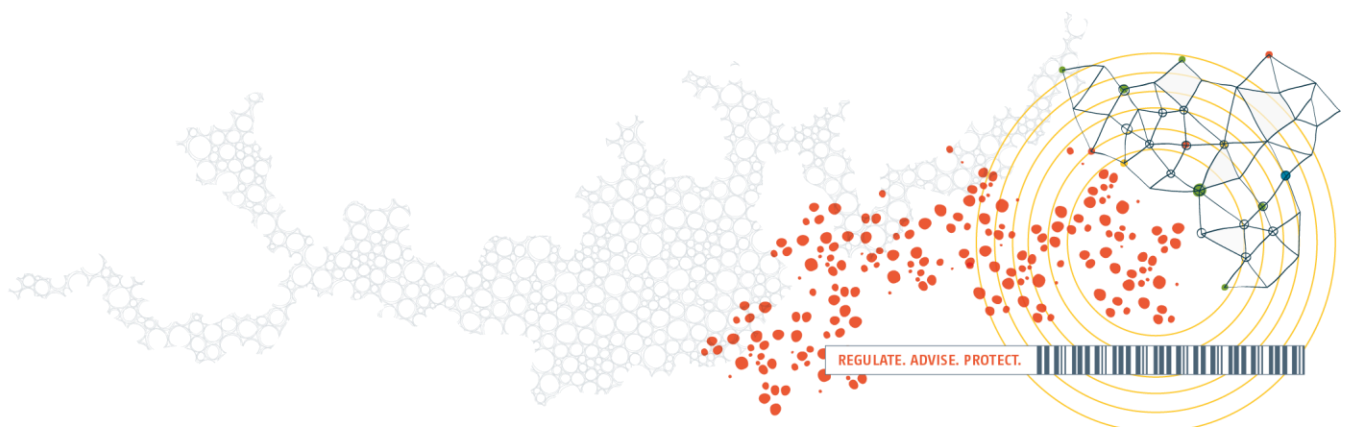
In addition to the Hearing Tribunal, the following people may attend the hearing:



- **Complaints Director:** The CMLTA Complaints Director brings the complaint of unprofessional conduct forward on behalf of the complainant, much like a prosecutor in a court of law.
- **Investigated Person:** The MLT, who the complaint was submitted against, attends to defend themselves against the complaint.
- **Legal Counsel:** All parties in the hearing have the right to legal counsel (a lawyer). The role of each type of legal counsel is outlined below:
  - **Counsel for the Hearing Tribunal:** The Hearing Tribunal often has a legal representative whose purpose is to help guide them on the process of the hearing; they do not give advice on the outcome of the hearing.
  - **Counsel for the Complaints Director:** The legal representative for the Complaints Director submits evidence, questions witnesses, and provides all arguments on behalf of the Complaints Director.
  - **Counsel for the investigated person:** Any MLT who has a complaint against them has the right to obtain legal counsel. If they choose to be represented by a lawyer, their legal counsel would submit evidence, bring forward and question witnesses, and provide all arguments to defend the MLT. Most MLTs who carry their own professional liability insurance will have coverage for legal counsel in complaints of unprofessional conduct.
- **Witnesses:** Both the Complaints Director and the investigated person can call witnesses to testify and be questioned.
- **Court reporter:** A court reporter is in attendance to create the official record of the hearing and transcribes what is said in the hearings.
- **The public:** In most cases, hearings are open to the public and anyone can attend with some exceptions. Witnesses must be informed when a hearing is open to the public.

### Setting the Hearing Date

Once a complaint is referred to a hearing, the Hearings Director must set a date for the hearing within 90 days.





### Notice to Attend or Produce

Anyone who is required to attend the hearing will be given a notice to attend. Anyone who must produce documents (or any substance or thing) for the hearing will also be given a notice to produce. Notices must be given within specific timeframes as described below:

- **Investigated person:** The investigated person must receive a notice to attend at least 30 days before the hearing and be given reasonable information on the subject matter of the hearing.
- **Complainant:** The complainant must be given the hearing date, time, and location at least 30 days before the hearing.

### Witnesses at Hearings

The following individuals can be witnesses at hearings:

- **Investigated person's witnesses:** The MLT who the complaint is against can call anyone, including the person who made the complaint, to be a witness. They can also ask witnesses to bring relevant documents or items to the hearing.
- **CMLTA's witnesses:** The Complaints Director can ask anyone who knows about the case, including the complainant and the investigated person, to be a witness and bring relevant documents or items to the hearing.

### Rights and Obligations of Witnesses

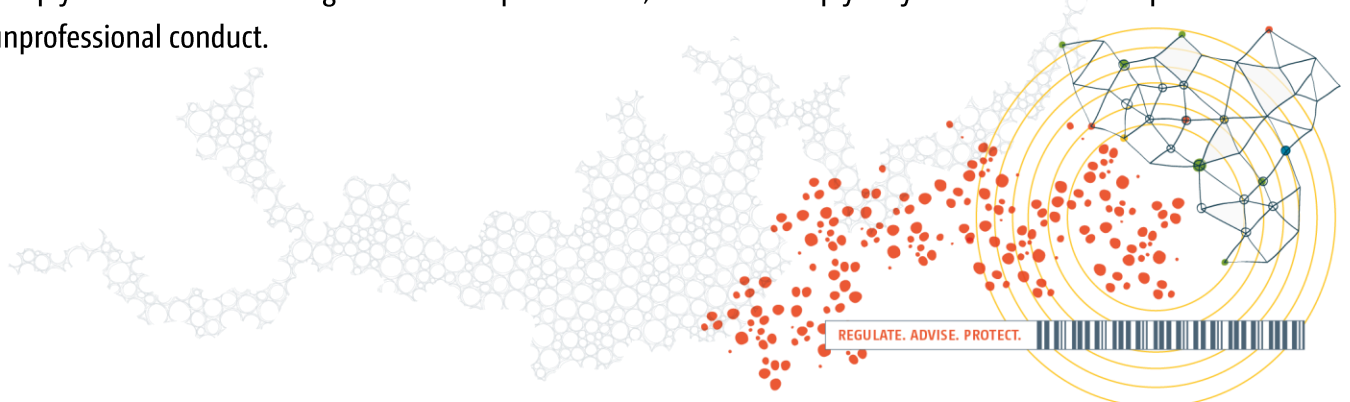
Witnesses, including the investigated person, must testify under oath and can be asked questions on all relevant matters. Witnesses must answer all questions, even if the answers could:

- Incriminate them (make them seem guilty).
- Subject them to penalties under the HPA.
- Make them liable in a civil lawsuit or other legal proceedings.

If a witness's answer could incriminate them or make them liable in court, that answer cannot be used against them in any civil or criminal case, except in cases of perjury (lying under oath) or giving contradictory evidence.

### Witness Compliance

- **Failure to comply:** If a witness does not attend the hearing, bring the requested items, or answer questions, the CMLTA or the investigated person can ask the Court of King's Bench to order the witness to comply. If the witness is a regulated health professional, failure to comply may also result in a complaint of unprofessional conduct.

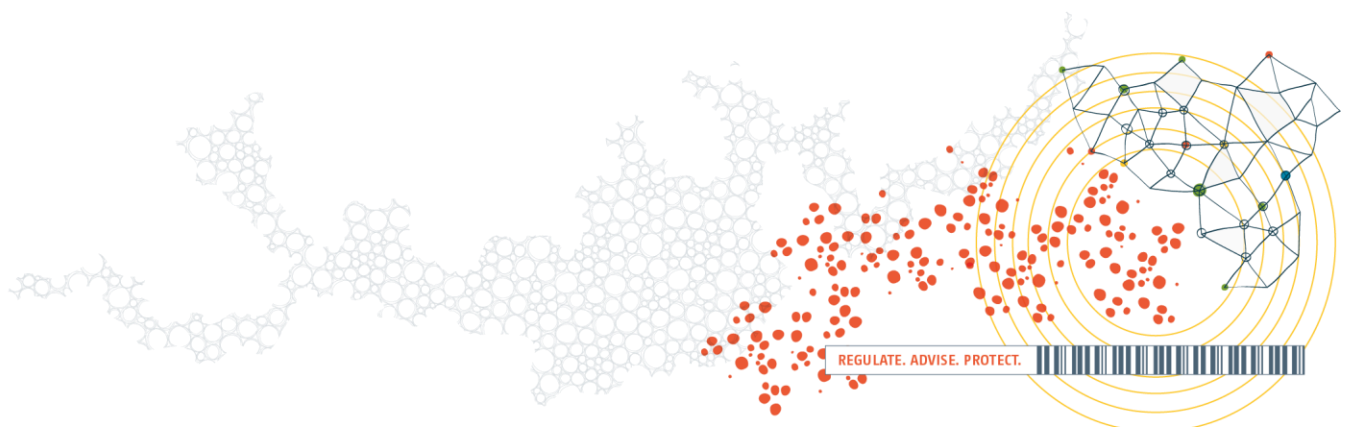


- **Out-of-province witnesses:** If a witness is outside Alberta, a judge can order the collection of their evidence according to Alberta's rules.

### Outcomes of Hearings

The hearing is concluded with the written decision of the Hearing Tribunal. There are two possible outcomes of a hearing:

1. **No finding of unprofessional conduct:** If the Hearing Tribunal decides that the investigated person's conduct was not unprofessional, there will be no further action taken and the investigated person will remain in good standing with the CMLTA.
2. **Finding of unprofessional conduct:** If the Hearing Tribunal determines that the conduct of the investigated person was unprofessional, they must make an order to resolve the matter, which can include:
  - **Caution:** Give a warning to the investigated person.
  - **Reprimand:** Formally criticize the actions of the investigated person.
  - **Conditions on practice:** Impose specific conditions on the investigated person's practice permit, which could include:
    - Practicing under supervision.
    - Practicing with other regulated professionals.
    - Not practicing in certain areas until they complete specific courses or gain supervised experience.
    - Reporting on certain matters to the tribunal or designated individuals.
  - **Incapacity assessment:** Require the investigated person to prove they are not incapacitated (unable to practice safely). They may be suspended until they do so.
  - **Counseling or treatment:** Require the investigated person to undergo appropriate counseling or treatment programs.
  - **Further education:** Order the investigated person to complete specific courses or gain supervised practical experience within a set time frame.



- **Suspension:** Suspend the practice permit for a set period or until the person completes specific requirements or proves their competence.
- **Cancellation:** Cancel the investigated person's registration and practice permit.
- **Fines:** Impose a fine for each finding of unprofessional conduct in an amount determined by the Hearing Tribunal.
- **Other orders:** Make any other order deemed necessary for the protection of the public.

### Distribution of Decision

The decision of the Hearing Tribunal must include reasons for the decision. It is given to the Hearings Director for distribution to the following individuals:

- The Complaints Director
- The Registrar
- The investigated person
- The complainant

### Appeal of a Hearing Decision

#### Who Can Appeal a Hearing Decision?

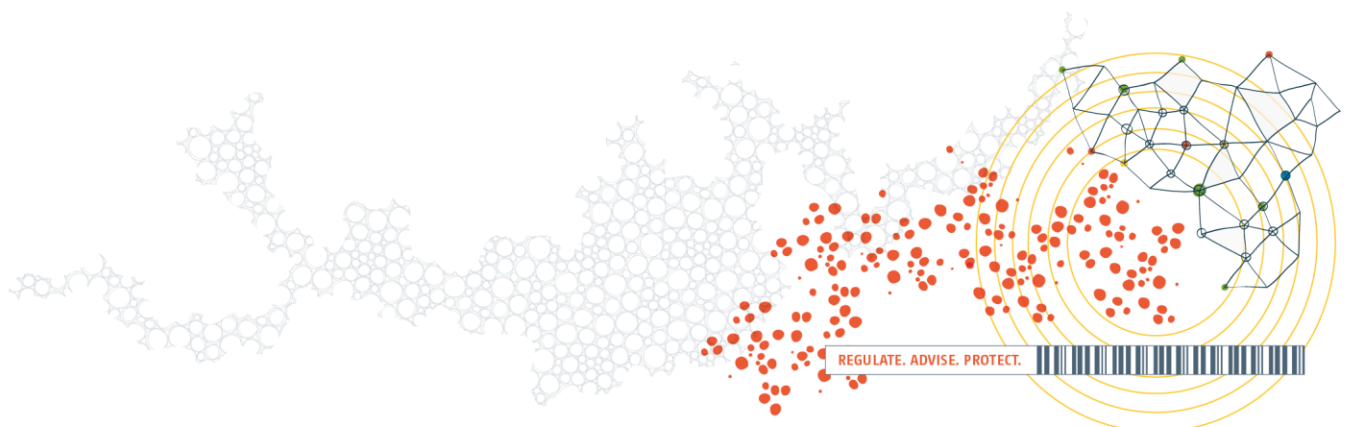
Both the CMLTA's Complaints Director and the investigated person have the right to appeal the Hearing Tribunal's decision.

#### Requirements of an Appeal

If anyone wants to appeal a hearing decision, they must submit a written notice of appeal to the Hearings Director that identifies the appealed decision and states the reasons for the appeal.

#### Deadline for Appeal

The written notice of appeal must be submitted to the Hearings Director within 30 days of receiving the Hearing Tribunal's decision.



## Who Hears the Appeal?

The CMLTA Council or a panel made up of Council members hears the appeal and decides on it.

## After an Appeal is Received

Once an appeal is received, the following actions take place:

- **Inform Council or appeal panel:** The Hearings Director must give a copy of the notice of appeal and the hearing record to Council or a panel of council members who will hear the appeal and decide on the appeal.
- **Set a date for appeal:** Council or a panel of council members must set the date within a specific timeframe. These timeframes are described below for the following situations:
  - If the investigated person's practice permit is restricted or suspended/cancelled, the appeal date must be set within **45 days** after the notice of appeal is received.
  - In all other cases, the appeal date must be set within **90 days** after the notice of appeal is received.
- **Provide notice of the appeal:** The Hearings Director must give a notice of the appeal that states the date, time, and place of the appeal to the following individuals:
  - Complaints Director
  - Investigated person
  - Complainant
- **Provide a record of the Hearing:** The Hearings Director must give a copy of the record of the hearing to the investigated person and the Complaints Director.

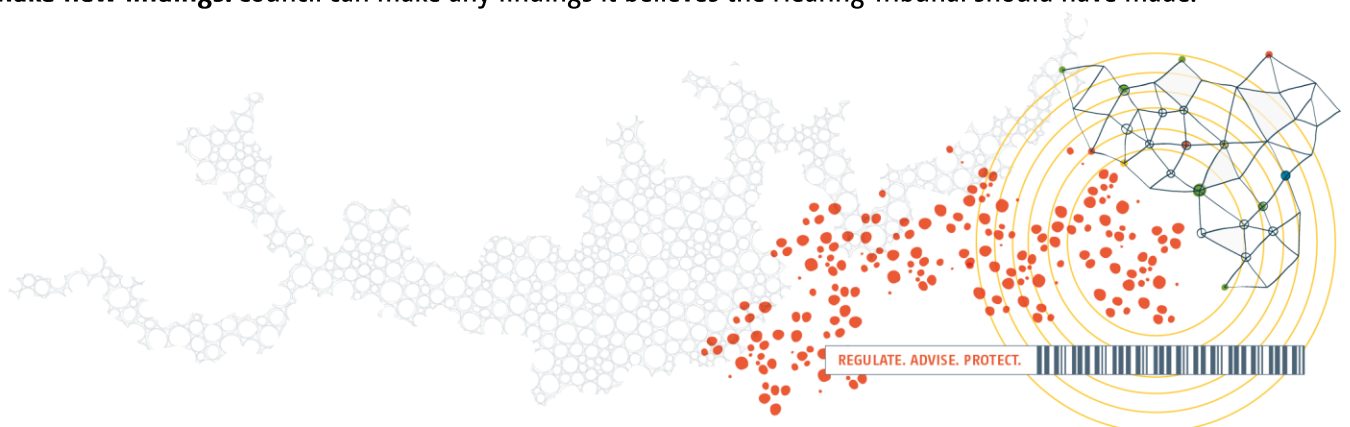
## Appeal

The Appeal is based on the official record and the written decision of the Hearing Tribunal. The Council or a panel of Council members uses these documents to determine whether or not the Hearing Tribunal's decision was reasonable.

## Appeal Decision and Outcome

Within 90 days of concluding the appeal, Council or a panel of Council, must make a decision on the appeal. This decision can include one or more of the following:

1. **Make new findings:** Council can make any findings it believes the Hearing Tribunal should have made.

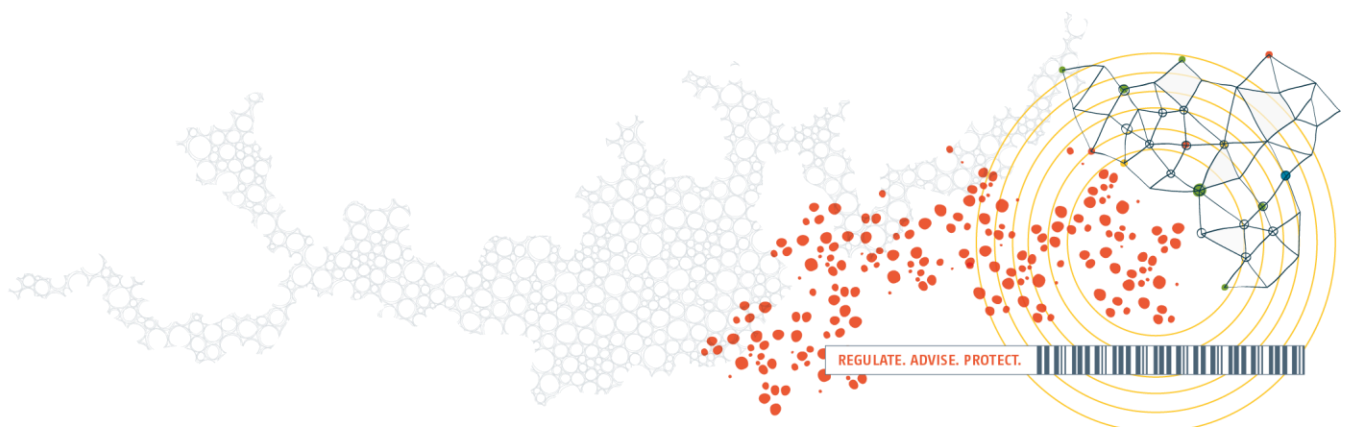


2. **Quash (cancel) the Tribunal's findings:** If Council believes the Hearing Tribunal's decision was unreasonable, they can cancel the findings made by the Hearing Tribunal.
3. **Confirm the Tribunal's findings:** If Council believes the Hearing Tribunal's decision was reasonable, it can agree with and confirm the findings.
4. **Vary (change) the Tribunal's findings:** If Council believes the Hearing Tribunal decision had some unreasonable findings or orders, they can change the Tribunal's findings or orders.
5. **Refer back to the Tribunal:** Council can send the case back to the Hearing Tribunal for more evidence and reconsideration with specific directions.
6. **Schedule a rehearing:** If Council believes that the investigated person did not get a fair hearing, they can direct the Hearings Director to schedule a new hearing to hear the matter with a new Hearing Tribunal made up of a different group of people.

## Hearing Proceedings and the Order of Events

The steps below outline what to expect at a hearing and the typical order of events that occur.

1. **Introductions:** In most cases, the Chair of the Hearing Tribunal will introduce themselves and ask the other panel members and all parties in attendance to introduce themselves.
2. **Opening Statements:** To begin the hearing, the Chair will direct both the Complaints Director (or their legal counsel) and the investigated person (or their legal counsel) to make opening statements that outline their arguments for the Tribunal.
3. **Complaints Director Evidence:** The Complaints Director will have the opportunity to submit their evidence and call their witnesses. The investigated person will be given the opportunity to cross-examine or ask questions to any witnesses of the Complaints Director.
4. **Investigated Person Evidence:** The investigated person will have the opportunity to submit their evidence and call their witnesses. The Complaints Director will also have the opportunity to cross-examine or ask questions to any witnesses of the investigated person.



5. **Closing Comments:** Both parties will be given the opportunity to summarize their arguments for consideration. In many cases, the Complaints Director will recommend orders (consequences of unprofessional conduct).
6. **Adjournments:** The Hearing Tribunal may adjourn the hearing if it needs to discuss any item before making a decision or if the hearing cannot be completed in one day. The hearing may be adjourned temporarily for a few minutes or for the day until the next hearing day can be scheduled.

## Hearing Decorum: What Behavior is Expected at a Hearing

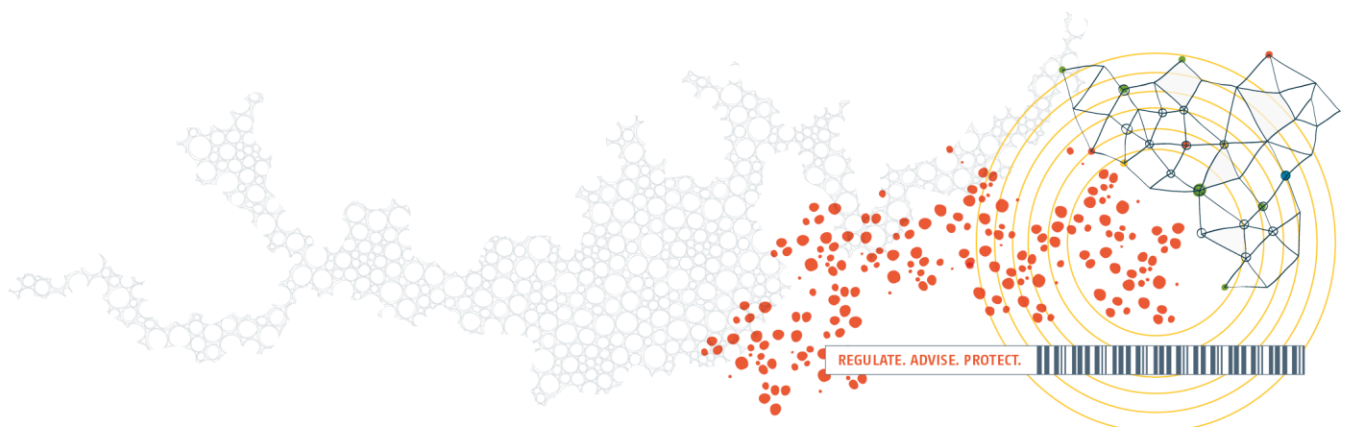
When attending a hearing, following certain rules and behaviors is important to ensure the process is fair, respectful, and orderly. This guide will help you understand what is expected of you during the hearing.

### Before the Hearing

- **Prepare your documents:** Gather all necessary documents and evidence you will need for the hearing.
- **Dress appropriately:** Wear clean, neat, and professional clothing.
- **Arrive early:** Plan to arrive at least 15 minutes before the hearing starts.

### During the Hearing

1. **Entering the hearing room:**
  - Enter the room quietly. If you are attending virtually, mute your mic when not speaking.
  - Turn off or silence your mobile phone and other electronic devices.
  - Take your seat promptly and remain seated unless instructed otherwise. If you are attending virtually, make sure you are seated in a quiet space free from distractions.
2. **Behavior and demeanor:**
  - Be respectful and polite to everyone in the room, including the tribunal members, opposing parties, witnesses, and staff.
  - Do not interrupt others while they are speaking.





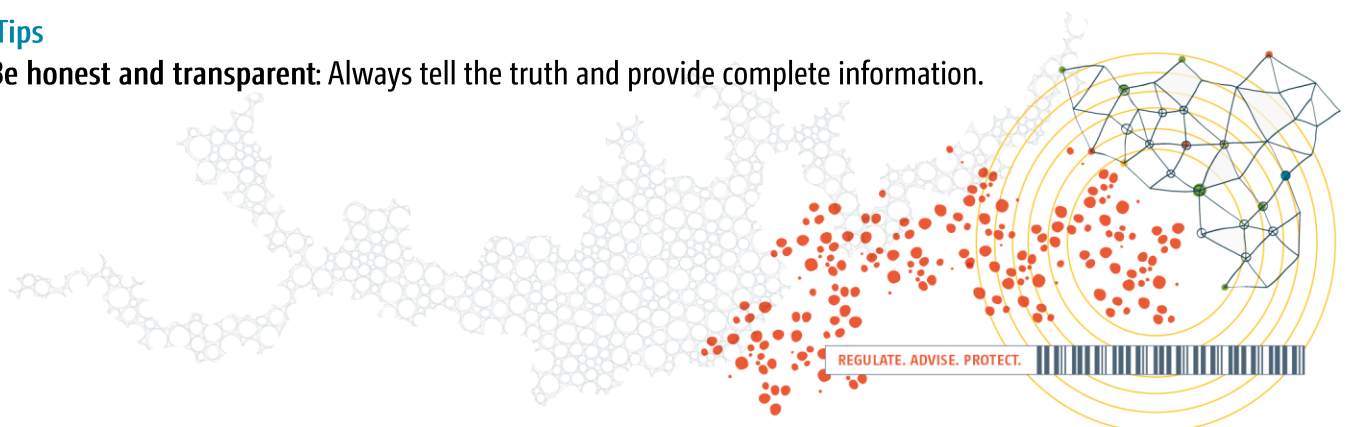
- Wait your turn to speak and raise your hand if you need to get the attention of the tribunal. In most cases, the tribunal chair will inform you when it is your turn to speak.
  - Remain calm and composed even if you disagree with something that is said.
3. **Presenting your case:**
- Follow the tribunal's instructions on when and how to present your case.
  - Provide clear, concise, and relevant information.
  - Answer questions directly and honestly.
  - Avoid speaking out of turn or making personal attacks against others.
  - Speak clearly and loud enough to be heard by all participants.
4. **Listening to others:**
- Pay attention when others are speaking.
  - Do not engage in side conversations or distractions.
5. **Use of evidence:**
- Submit evidence in an organized manner as directed by the tribunal.
6. **Breaks and adjournments:**
- Follow the tribunal's schedule for breaks.
  - Return promptly to the hearing room when the break is over.
  - If the hearing is adjourned, respect the tribunal's decision and wait for further instructions.

### After the Hearing

- **Stay seated:** Wait until the tribunal officially adjourns the hearing before leaving your seat or the meeting room if you are attending virtually.
- **Leave respectfully:** Exit the hearing room in an orderly manner, without causing any disruption.

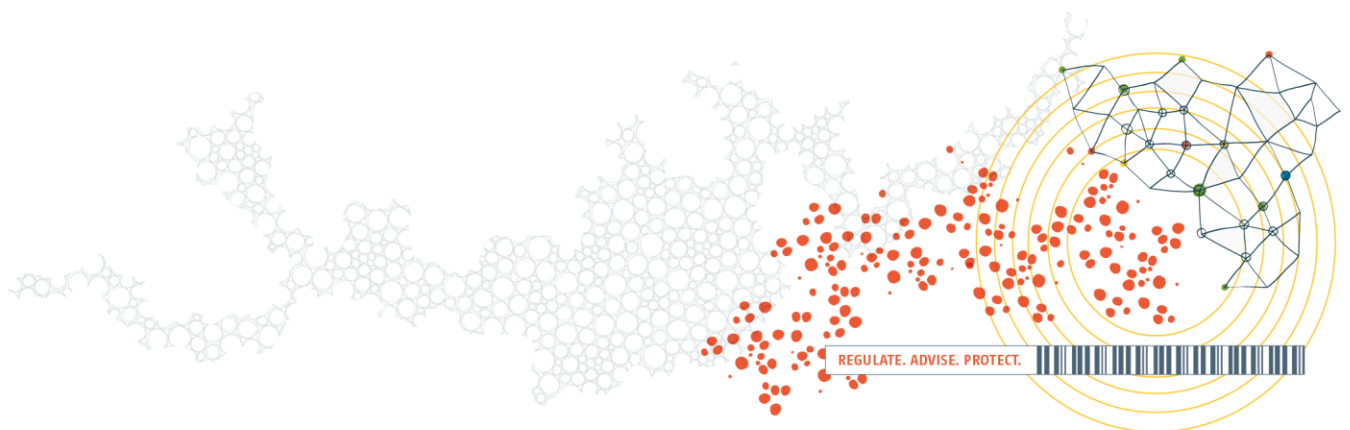
### General Tips

- **Be honest and transparent:** Always tell the truth and provide complete information.

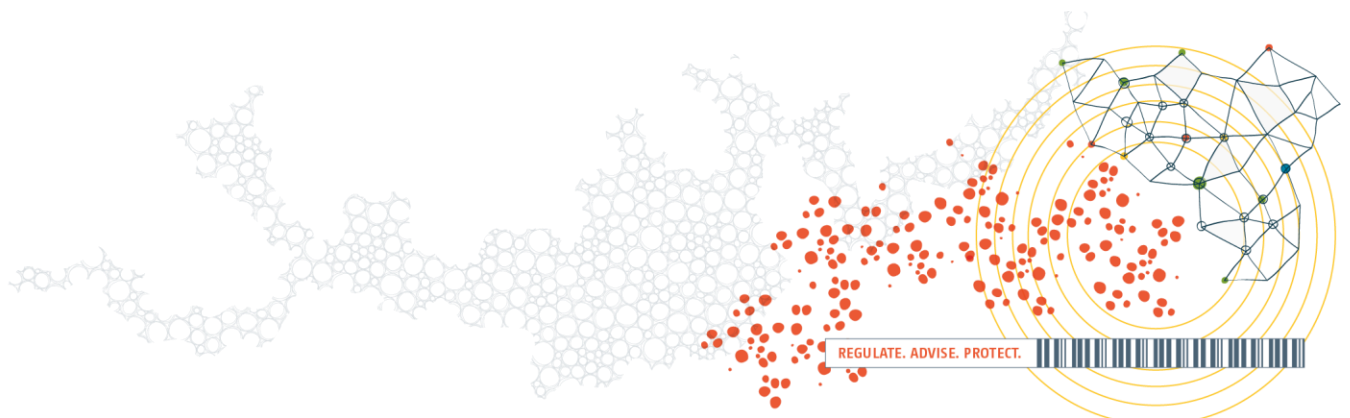
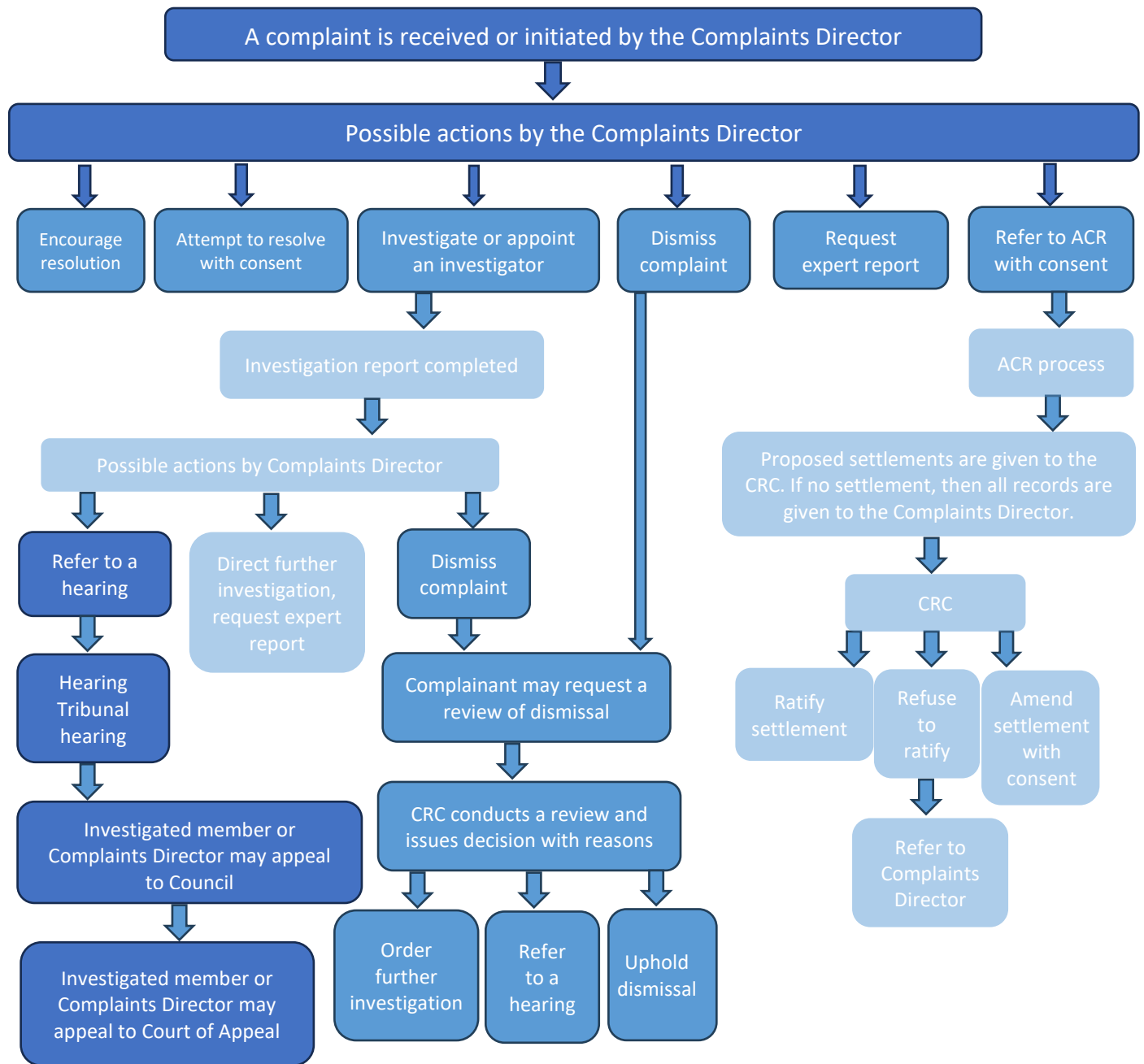


- **Stay focused:** Keep your statements and questions relevant to the case at hand.
- **Follow instructions:** Adhere to all directions given by the Hearing Tribunal.

By following these guidelines, you help maintain a respectful and efficient hearing process, contributing to a fair outcome for all involved.

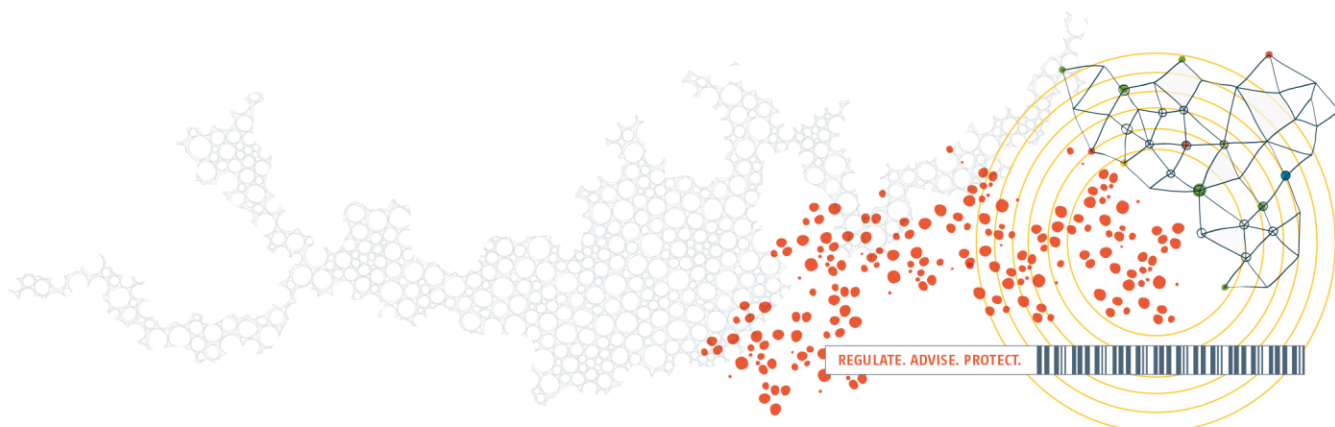


## Appendix 1 – Professional Conduct Flow Chart

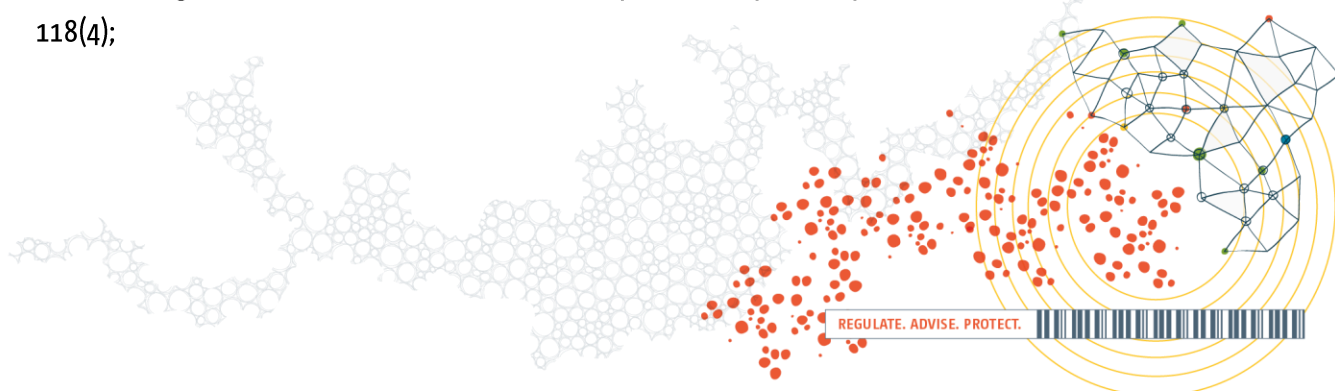


## Appendix 2 – Definitions

- Alternative Complaint Resolution (ACR) - a process to help the complainant, the college, and the investigated person settle a complaint.
- Appeal – a review of a decision.
- Code of Ethics - a set of principles and guidelines that outline the moral and ethical obligations of professionals within a specific field. This code serves as a framework for acceptable behavior and decision-making, ensuring that professionals act with integrity, responsibility, and respect in their practice. A code of ethics is adopted by the CMLTA Council under Part 8 of the HPA.
- Complaint - is an expression of dissatisfaction or discontent about a service or behaviour. It must be formal and directed towards an individual perceived to be responsible for the issue. Complaints must be written and are often used as a means to seek resolution or improvement in the matter at hand.
- Competence - the combined knowledge, skills, attitudes, and judgment required to provide professional services.
- Continuing Competence Program - means a program of continuing competence provided for in the standards of practice of a council.
- Complaint Review Committee (CRC) – a specialized group responsible for reviewing a proposed settlement from an ACR or for reviewing a complaint’s dismissal. This committee plays a crucial role in ensuring that complaints are handled efficiently, fairly, and in accordance with established procedures.
- Hearing - a formal proceeding where evidence and arguments are presented regarding allegations against a professional.
- Hearing tribunal – a group of regulated members and public members that run a hearing. A hearing tribunal is responsible for examining the evidence, hearing testimonies, and making determinations about whether the professional has breached standards of conduct.
- *Health Information Act* (HIA) – is legislation that strikes a balance between the protection of privacy and enabling the appropriate amount of information sharing to provide health services and manage the health system.
- *Health Professions Act* (HPA) – is legislation that governs the practice of regulated health professions, sets out standard processes for colleges for registration, continuing competence, complaints, and discipline and establishes a board that advises the Minister.



- Incapacity assessment - an evaluation to determine whether a professional is mentally or physically unfit to perform their duties safely and competently. This assessment is used to decide if the alleged unprofessional conduct is related to an underlying health issue that impairs the professional's ability to practice.
- Investigated person - is the professional who is the subject of the complaint. This individual is being scrutinized to determine whether their actions or behavior violated the professional standards, ethical guidelines, or regulations established by the college.
- Investigator - the Complaints Director or other person who conducts an investigation under Part 4 of the HPA.
- Professional liability insurance (PLI) - a type of insurance coverage designed to protect professionals from claims of negligence, malpractice, or errors and omissions in the performance of their professional duties.
- Public protection - the primary mandate of the regulatory body to ensure the safety, well-being, and interests of the public. When investigating complaints, the regulatory college prioritizes public protection by enforcing professional standards and taking appropriate actions against professionals who fail to meet these standards.
- Standards of Practice - the established guidelines, principles, and expectations that govern the professional behavior and performance of individuals within a specific profession. These standards are designed to ensure that professionals provide competent, ethical, and high-quality services to the public.
- Unprofessional conduct – is defined in section 1 of the HPA as one or more of the following, whether or not it is disgraceful or dishonourable:
  - displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
  - contravention of the HPA, a code of ethics, or standards of practice;
  - contravention of another enactment that applies to the profession;
  - representing or holding out that a person was a regulated member and in good standing while the person's registration or practice permit was suspended or cancelled;
  - representing or holding out that person's registration or practice permit is not subject to conditions when it is or misrepresenting the conditions;
  - failure or refusal to comply with the requirements of the continuing competence program;
  - failure or refusal to comply with a request of or cooperate with an inspector or to comply with a direction of the registrar made under section 53.4(3);
  - failure or refusal to comply with an agreement that is part of a ratified settlement; to comply with a request of or co-operate with an investigator; to undergo an examination under section 118; or to comply with a notice to attend or a notice to produce under Part 4;
  - contravening an order under Part 4, conditions imposed on a practice permit or a direction under section 118(4);



- carrying on the practice of the regulated profession with a person who is contravening section 98 or an order under Part 4 or conditions imposed on a practice permit or a direction under section 118(4);
- conduct that harms the integrity of the regulated profession.

